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Supreme Court, U.S.
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CASE NO. 08-1399

IN THE SUPREME COURT OF THE UNITED STATES

Peter E. Hendrickson and Doreen M. Hendrickson, Petitioners

v.

United States, Respondent

Petition for Re-Hearing Of This Court's Order Denying Our Petition For Writ of Certiorari to the United States Court Of Appeals for the Sixth Circuit

Petitioners Peter E. and Doreen M. Hendrickson
232 Oriole Road,
Commerce Twp., Michigan, 48382
248-366-6858
Proceeding Pro Se

QUESTIONS PRESENTED IN OUR PETITION

1. Does a court, or any agency of the government, possess the lawful authority to compel an American man or woman to declare to be true and correct to the best of his or her own knowledge and belief, over his or her own signature, particular words and other explicit testimony dictated and/or specified by the court or government agency, and which he or she does not, in fact believe to be true and correct;
2. Does a court, or any agency of the government, possess the lawful authority to compel an American man or woman to stand silent in the face of testimony made by others which is about, or which affects, him or her, or to compel an American man or woman to adopt such testimony made by others as his or her own, when that American man or woman believes that testimony made by others to be erroneous or false;
3. Can the federal courts grant summary judgment to the United States-- on its own motion in a suit which it has brought seeking to assert a claim to the property of an American man or woman-- by unilaterally construing all material-fact-related assertions of the movant United States to be true, and by disregarding or construing to be false all of the contradictory assertions of the non-movant American man or woman;
4. Can the federal courts issue federal tax-related injunctions despite the provisions of the Declaratory Act, permit litigation barred by the doctrine of *res judicata* and collateral estoppel as enunciated in Rule 41 of the Federal Rules of Civil Procedure, and sanction an American man or woman for appealing judicial decisions purporting to do all of the above.

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STATEMENT OF THE CASE

Ladies and Gentlemen of the Court-- American men and women of the Court-- we are nearly at a loss for words. The denial of our petition for the review of the lower court decisions in this case serves to facilitate a pernicious assault on the rule of law and the severe erosion of the people's faith in the integrity of their public institutions.

After all, this case concerns, among other things, the issuance of an order by a United States court dictating the content of testimony to be made by an American man and woman-- that is, dictating the very words that the man and woman are to write down and declare to be their own testimony, over their own signatures. It is obvious to any schoolchild that no court-- indeed, no power on Earth-- has the authority to issue such an order. It is obvious to any schoolchild that such an order is inherently meaningless, since a declaration as to what one knows and believes to be true-- the contents of which are dictated by another and the signature beneath which is coerced-- is not, in fact and in law, the testimony which it otherwise might appear to be. This is true regardless of any other consideration; it is more egregiously true when the party dictating the "testimony" stands to enjoy a financial gain as a result of the dictated "testimony", as in this case.

Further, as already comprehensively discussed in our petition to this Court, this case concerns a multitude of explicit and unambiguous due process violations by both the District Court and Circuit Court, including, among others, the grossly improper elevation of the moving party's allegations to the status of "found facts" and corresponding disregard of the non-moving party's rebuttals, in defiance of the

core principles of due process as well as numerous explicit rulings on the subject by this Court. This case concerns a denial of our right to a trial by a jury; the preclusion of our ever making a formal answer to the complaint; the preclusion of our opportunities to engage in discovery and to make use of other procedural tools to which we are entitled; and on, and on.

We understand that the inherently void character of the rulings issued might serve as a technically valid pretext for denying our petition due to its being apparently moot:

> *Void judgment. One which has no legal force or effect, invalidity of which may be asserted by any person whose rights are affected at any time and at any place directly or collaterally. Reynolds v. Volunteer State Life Ins. Co., Tex.Civ.App., 80 S.W.2d 1087, 1092. One which from its inception is and forever continues to be absolutely null, without legal efficacy, ineffectual to bind parties or support a right, of no legal force and effect whatever, and incapable of confirmation, ratification, or enforcement in any manner or to any degree. Judgment is a "void judgment" if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process. Klugh v. U.S., D.C.S.C., 610 F.Supp. 892, 901.* Black's dictionary of Law, Sixth Edition.

But we urge this Honorable Court to recognize that to so treat our petition is to allow the unfortunate impression to take root in the minds of those who are not familiar with such nuances of the law that United States courts now claim authority which every

schoolchild knows they do not and cannot lawfully have, and that the rule of law has thus been overthrown and in its place has been erected a corrupt rule of force, with the collusion of this Court.

SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED AS TO WHY OUR PETITION SHOULD BE GRANTED

1. The Federal Rules of Civil Procedure provide that "pleadings must be construed so as to do justice." (FRCP 8(e)). This Court has recognized that the purpose of this rule is to preclude gamesmanship by the courts in which errors or oversights by a litigant are exploited by the court in arriving at a decision:

> "The Federal Rules reject the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome, and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits. *Cf. Maty v. Grasselli Chemical Co.*, 303 U.S. 197." *Conley v. Gibson*, 355 U.S. 41 (1957).

It is inescapable that a decision which grants summary judgment to a moving party by elevating the moving party's allegations to gospel while disregarding controverting evidence and testimony presented by the non-moving party; which denies us the procedural opportunities to which we are entitled as defendants; which commands us to testify to the benefit of our adversary (and in a fashion that would force us to apparently declare our original testimony to have been perjurious); and which involves and relies upon the numerous other violations and offenses detailed in our petition is patently unjust. If

the decisions of the District and/or Appellate Court in this case are somehow deemed to be other than inherently void, they could only be so by virtue of the callous exploitation of some failure on our part to "cross some "t" or "dot some "i" in the course of our pro se management of this litigation. Those decisions, if somehow deemed to be other than inherently void, are thus in violation of this plain rule and doctrine and merit review and relief accordingly.

More substantively (in light of their character), allowing these inherently void judgments to remain undenounced as such IS ITSELF a manifest injustice. Undenounced, these void judgments give the superficial appearance to all made aware of them that we have been ruled against in a controversy involving matters about which we testified under oath, and after a proper, honest and fair judicial proceeding. Nothing could be further from the truth in every particular, but most of those who become aware of this case will never look past the mendacious and self-serving press releases touting these bogus rulings which the government has been trumpeting throughout the land in a deliberate disinformation campaign intended to help perpetuate public acquiescence to the systematic misapplication of the income tax.

Thus, even though we have suffered no harm in the sense of any effort to enforce these void judgments we are harmed by them nonetheless. We have brought this appeal in a proper manner, and we ask again that we be afforded justice by this Honorable Court.

2. Congress has specifically provided that once disputed, "information returns", such as those relied upon by the plaintiff in this case as its sole, exclusive

and unsupported evidence, are presumptively invalid, and the government bears the burden of proof as to the assertions made thereon as a matter of statutory specification above and beyond any considerations of routine and fundamental due process and the rules and doctrine regarding summary judgments. See 26 USC § 7491(a)(1); 26 USC § 6201(d); and *Terry I. and Louise Major v. CIR*, TC Memo. 2005-141 (2005).

The granting of summary judgment to the government/plaintiff by the courts below despite its failure to carry this burden stands among the many egregious and systematic violations of due process involved in the rulings issued in this case. If those rulings are somehow not deemed void, this violation merits review and relief by this Court accordingly.

But even if the clearly void character of these rulings serves as a pretext for otherwise treating the case as moot, and thus declining to grant our petition, we urge the Court to nonetheless take this opportunity to denounce these rulings based on this plain error (if not all the others discussed here and in our original petition as well). To persist in declining to do so leaves the American public with the disquieting sense that rather than acting as the constraint on the other co-equal branches of the federal government for which we established the federal judiciary as the third such branch, the federal courts have become co-conspirators in the ambitions of those in the executive branch who chafe at the bonds of the rule of law, and wish to simply have their way, for good or for ill.

CONCLUSION

In light of the foregoing, we respectfully and sincerely urge this Honorable Court to reconsider its prior decision to decline our petition. We are well

aware of the political pressure bearing in opposition to forthright acknowledgment of the truth about the income tax, the suppression of which truth is the actual subject of this case. But we urge this Honorable Court to agree with us that the sustenance of the rule of law merits disregarding that pressure. We urge this Honorable Court to recognize that that pressure is, in fact, brought in deliberate defiance of the rule of law, by its mortal enemies; and to honor the sentiment that we understand adorns a portrait of John Marshall hanging in a conference room in which this Honorable Court deliberates: "Let justice be done."

Respectfully submitted

7/8/09

Peter Eric Hendrickson

7/8/09

Doreen M. Hendrickson

Proceeding pro se
232 Oriole Rd.
Commerce Twp, Michigan 48382
(248) 366-6858

CERTIFICATE OF GOOD FAITH AND COMPLIANCE WITH RULE 44.2

I hereby certify that this Petition for Re-Hearing is presented in good faith and not for delay, and is restricted to the grounds specified in Rule 44.2.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 6th day of July, 2009.

Peter Eric Hendrickson
Proceeding Pro Se
232 Oriole Rd.
Commerce Twp., Michigan 48382
248-366-6858

CERTIFICATE OF GOOD FAITH

I hereby certify that the Petition for Re-Hearing to which this certificate is attached pursuant to Rule 44.1 is presented in good faith and not for delay.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 9th day of July, 2009.

Peter Eric Hendrickson
Proceeding Pro Se
232 Oriole Rd.
Commerce Twp., Michigan 48382
248-366-6858